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Attorneys for Plaintiffs  
Consolidated Management Group, LLC,  
Consolidated Leasing Anadarko Joint Venture, and  
Consolidated Leasing Hugoton Joint Venture #2

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

Consolidated Management Group, LLC, a  
Kansas limited liability company,  
Consolidated Leasing Anadarko Joint Venture, a  
Kansas general partnership, and Consolidated  
Leasing Hugoton Joint Venture #2, a Kansas  
general partnership,

Plaintiffs,

Case No. C 06 4203 JSW

**STIPULATION AND [PROPOSED]  
ORDER RE HEARING DATE ON  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND  
DEFENDANTS' MOTION TO DISMISS**

1  
2 v.  
3 Preston DuFauchard, California Corporations  
4 Commissioner  
and  
California Department of Corporations,  
5 Defendants.

**Date: September 8, 2006**  
**Time: 9:00 a.m.**  
**Courtroom: 2, 17th Floor**  
**Before: The Honorable Jeffrey S. White**  
**[LODGED VIA E-FILING]**

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8 Plaintiffs Consolidated Management Group, LLC, Consolidated Leasing Anadarko Joint  
9 Venture, and Consolidated Leasing Hugoton Joint Venture #2 ("Plaintiffs"), Defendant Preston  
10 DuFauchard, California Corporations Commissioner, and Defendant California Department of  
11 Corporations (collectively "Defendants"), ("Plaintiffs" and "Defendants" are jointly referred to  
12 herein as the "Parties"), through their respective counsel, hereby agree and stipulate as follows:

13 WHEREAS, on July 7, 2006, Plaintiffs filed against Defendants the underlying Verified  
14 Complaint for Violations of 42 U.S.C. § 1983 and the Supremacy Clause and for Injunctive and  
15 Declaratory Relief ("Complaint");

16 WHEREAS, on July 14, 2006, Plaintiffs filed a Motion for Preliminary Injunction, and set a  
17 hearing date of September 8, 2006 at 9:00 a.m. before The Honorable Jeffrey S. White;

18 WHEREAS, on July 27, 2006, Defendants filed a Motion to Dismiss Plaintiffs' Complaint in  
19 its entirety, and set a hearing date of September 1, 2006 at 9:00 a.m. before The Honorable Jeffrey S.  
20 White;

21 WHEREAS, for purposes of efficiency and judicial economy of the resources of the Court  
22 and the Parties, the Parties wish to have their respective motions heard on the same day and at the  
23 same Court hearing;

24 WHEREAS, the Parties have agreed that Defendants' Motion to Dismiss shall be continued  
25 from the scheduled hearing date of September 1, 2006 to September 8, 2006 at 9:00 a.m., in order to  
26 be heard on the same day and at the same Court hearing as Plaintiffs' Motion for Preliminary  
27 Injunction.  
28

1 WHEREAS, the Parties specifically request that the Court hear first Defendants' Motion to  
2 Dismiss on September 8, 2006 at 9:00 a.m., and subsequently hear Plaintiffs' Motion for Preliminary  
3 Injunction, which is reasonable under the circumstances.

4 WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties, by and  
5 through their attorneys of record herein:

6 1. Defendants' Motion to Dismiss and Plaintiffs' Motion for Injunctive Relief shall be  
7 heard on September 8, 2006 at 9:00 a.m. before The Honorable Jeffrey S. White.

8 2. On the hearing date of September 8, 2006 at 9:00 a.m., Defendants' Motion to  
9 Dismiss shall be heard first, followed by Plaintiffs' Motion for Preliminary Injunction.

10 3. The previous briefing schedule as to Defendants' Motion to Dismiss shall remain the  
11 same, as follows:

12 Plaintiffs' Opposition to Defendants' Motion to Dismiss is due on or before  
13 August 11, 2006;

14 Defendants' Reply in support of their Motion to Dismiss is due on or before  
15 August 18, 2006;

16 4. The previous briefing schedule as to Plaintiffs' Motion for Preliminary Injunction  
17 shall remain the same, as follows:

18 Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction is due on or  
19 before August 4, 2006;

20 Plaintiffs' Reply in support of their Motion for Preliminary Injunction is due on or  
21 before August 11, 2006;

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1           5.     The hearing date of September 1, 2006 at 9:00 a.m., previously reserved for  
2 Defendants' Motion to Dismiss, shall be taken off the Court's calendar.

3           **IT IS SO STIPULATED.**

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5           Dated: August 7, 2006

**PRESTON DuFAUCHARD,  
CALIFORNIA CORPORATIONS  
COMMISSIONER  
CALIFORNIA DEPARTMENT OF  
CORPORATIONS**

Alan S. Weinger  
James K. Openshaw

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10           By: 

James K. Openshaw  
Attorneys for Defendants  
The People of the State of California

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13           Dated: August 5, 2006

**BAKER & McKENZIE LLP**

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CONSOLIDATED MANAGEMENT GROUP, LLC,  
CONSOLIDATED LEASING ANADARKO JOINT  
VENTURE, and  
CONSOLIDATED LEASING HUGOTON JOINT  
VENTURE #2

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22           **ORDER**

23           **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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25           Dated: August 8, 2006.

  
The Honorable Jeffrey S. White  
United States District Judge